



Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS
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Annual Report (2003)

MEMBERSHIP AND STAFFING OF THE BOARD

The Board of Bar Examiners administers the Wisconsin mandatory continuing legal education requirement, manages all bar admissions by examination and on reciprocity, and conducts character and fitness investigations of all candidates for admission, including those seeking admission by diploma privilege. The membership of the Board in 2003 was as follows:

Hon. Eric J. Wahl	Eau Claire	Chairperson
John O. Olson	Lake Geneva	Vice-Chairperson
Curtis Brieske	Wilton	
Glenn E. Carr	Chicago	
Dennis A. Danner	Franklin	
Robert J. Janssen	DePere	
Joseph D. Kearney	Milwaukee	
Kevin Kelly	Madison	
Mary Beth Keppel	Madison	
Harry Maier	DePere	
Catherine M. Rottier	Madison	

At the close of the year, the terms of four Board members expired. Assistant Dean Kevin M. Kelly and Mr. Dennis M. Danner were eligible for reappointment, and the Court reappointed them to terms expiring December 31, 2006. Hon. Eric J. Wahl, whose second term expired December 31, 2003, had served two terms and was ineligible for reappointment; the Court appointed Hon. Charles H. Constantine to a three-year term expiring December 31, 2006. Mr. Harry Maier, whose second term expired December 31, 2003, had served two terms and was ineligible for reappointment; the Court appointed Mr. Mark J. Baker to a three-year term expiring December 31, 2006. Mr. Curtis Brieske had served one term and was eligible for reappointment, but resigned effective December 31, 2003 and his seat has not been filled by appointment to date. The Board elected Atty. John O. Olson as its Chairperson and Dean Joseph D. Kearney as its Vice-Chairperson for 2004.

The Board met six times in 2003 in Madison and, in addition, graded two bar examinations. The December Board meeting included a joint meeting with the Court, at which policy matters of common concern were discussed.

In 2003 the staff of the Board included the following persons:

Gene R. Rankin	Director
Ruth Janto-Wolter	Deputy Director
Jill Remy	Bar Application Manager (Bar Exam)
April Stegmann	Bar Application Manager (Diploma Privilege)
Ben Hopkins	Character and Fitness Investigator
Tammy McMillen	CLE Records Manager
Dianne Knipfer	Course Approval Coordinator (75%)
Toni Gilbertson	Program Assistant

FUNDING SOURCES

The mandatory continuing legal education requirement was self-funded in fiscal year 2003 by an annual assessment of lawyers on active and inactive status per the State Bar of Wisconsin records who paid \$11.50 and \$5.75, respectively. In addition, the Board realized revenue from late filing fees and reinstatement fees authorized by the Court, and from miscellaneous fees (copying, duplicate admission certificates, past examination sales, etc.).

The bar admissions portion of Board responsibilities continued to be entirely self-funding. The fees authorized by the Court were set September 1, 2000. For taking the Wisconsin Bar Examination, the fee was set at \$450; for filing an application for admission on proof of practice elsewhere (reciprocity), the fee was set at \$850; for diploma privilege character and fitness ("C&F") certification, the fee was set at \$210.00; the admission fee for all modes was set at \$100.00; and late fees for admissions were set at \$200.00. Revenues shown are actual revenues; they include all late filing fees and do not include 2004 fees received in 2003.

CALENDAR 2003 MAJOR INCOME SOURCES

<u>CLE</u>	<u>Amount</u>
Revenue received from assessment	\$226,294.00
Late fees received @ \$50 (527)	\$ 26,400.00
CLE Reinstatement fees @ \$100 (53)	\$ 5,500.00
Ch. 40 Reinstatement fees @ \$200 (16)	\$ 3,530.00
Ch. 40 Readmission fees @ \$200 (6)	<u>\$ 1,200.00</u>
 TOTAL	 <u>\$262,924.00</u>

Miscellaneous Income

Copies of applications (42)	\$ 420.00
Certified copies of applications (61)	\$ 732.00
Duplicate admission certificates (13)	\$ 650.00
Copies of prior essay questions (577)	\$ 5,772.00
MBE transfers (17)	\$ 425.00
Name changes (98)	<u>\$ 2,525.00</u>
TOTAL	\$ 10,524.00

Bar Admissions

Amount

Bar examination filing fees (290)	\$110,090.00
Reciprocity filing fees (78)	\$ 65,120.00
Admission fees (705)	\$ 70,500.00
Diploma privilege C&F investigation fees (382)	<u>\$104,417.00</u>
TOTAL	<u>\$350,127.00</u>

MANDATORY CONTINUING LEGAL EDUCATION

The 2003 calendar year was the year in which reports concerning compliance with the 2001-03 Wisconsin mandatory continuing legal education (CLE) requirement, including the legal ethics and professional responsibility (EPR) requirement, were collected. 7,781 lawyers admitted to practice law in Wisconsin in odd-numbered years were obligated to comply with the requirement. 105 lawyers were suspended for non-compliance with CLE in 2003 and, of the 2,908 lawyers who have been suspended for noncompliance since the inception of the program in 1977, 1,512 remained suspended at the end of calendar 2003.

In 2003, lawyers again had a wide range of educational activities from which to select. General program approval, the annual institutional approval available to CLE sponsors, was extended to 41 organizations. In addition, 8,078 activities were approved on a course-by-course basis, which was an increase of 10.5% from the previous year. 2,484 activities were approved for ethics and professional responsibility (EPR), an increase of 7.7%. Individual approval was extended to 0 courses. 20 Judicial Education courses were approved, one fewer than the previous year. The Board began to grant approval to *Guardian ad litem* (GAL) courses in 1999, and approved 105 courses for GAL credit in 2003, which was a decrease of 7.1% from the previous year.

The total number of all CLE activities sited in Wisconsin was 3,865, an increase of 11.4% from the previous year. Approval was denied in 38 cases (down from 39), and EPR approval was denied in 326 cases (down from 437). Principal reasons for denial of approval were the failure to have a continuous hour of EPR, as required by SCR 31.07(5).

MISCELLANEOUS ACTIONS

The Board also carried out the following actions, granting, denying, or accepting withdrawals, as appropriate:

Reinstatements (other than SCR Chapter 31)	14
Chapter 31 reinstatements	52
Readmission following voluntary resignation from the bar	8
Name changes	98

ADMISSION TO THE PRACTICE OF LAW

Diploma Privilege

The Board received 382 applications for character and fitness certifications from prospective graduates of the University of Wisconsin and Marquette University law schools under SCR 40.03 and 40.06. This represents a 16% decrease over the 455 applications filed in the previous year. 425 were certified to the Court and admitted in 2003, which number includes those who graduated in 2002 but who were not certified nor admitted until the following year. This represents an 8.2% decrease over the 463 applicants admitted in the previous year.

No applicants withdrew their application. Five applicants' files were closed for lack of response; one of these was re-opened after appeal to the Board and remained open at the end of the year. Two previously certified applicant's certifications lapsed, for the reason that they failed to be sworn in within a year of certification. The Board notified six applicants that it intended to deny their admission on character and fitness grounds. Two were cleared on the basis of their responses to the Board's letter. One was granted a hearing, was cleared and subsequently admitted; the other's request for a hearing was granted and the hearing is pending. Findings and Conclusions denying admission were issued to two applicants. One appealed the denial to the Court and the Board's decision was upheld on appeal; the remaining applicant did not appeal.

Wisconsin Bar Examination

The Board administered two bar examinations in 2003 to a total of 297 applicants. This represents no change from the 297 applicants in the previous year. Statistical information is as follows:

<u>2003 Wisconsin Bar Examinations</u>	<u>Feb. 03</u>	<u>July 03</u>	<u>Total</u>
Applicants Writing Examination	91	206	297
Successful Examinees	63 (69%)	157 (76%)	220 (74%)
First-Time Takers	69	177	246
Successful First-Time Takers	53 (77%)	146 (82%)	199 (84%)

Of these, no examinees were from non-ABA-approved law schools.

The files of three applicants were closed for lack of response. The Board notified two examinees that it intended to deny their admission on character and fitness grounds. One was granted a hearing and was subsequently admitted. The other's request for a hearing was granted and the hearing is pending. Findings and Conclusions denying admission were issued to two applicants from 2002, and two from 2003. One decision denying admission in 2002 was appealed and was upheld by the Court in 2003. One decision denying admission in 2003 was appealed, and that appeal was pending as of the end of 2003.

Admission on Reciprocity

In addition, the Board administered the rules for admission on reciprocity. In 2003 the Board received 98 applications under SCR 40.05. 20 pending applicants subsequently withdrew (the most common reasons for withdrawal were inability to satisfy the reciprocity requirement or inability to meet the durational requirements of the relevant rules); one re-applied and was subsequently admitted, while two re-applied and are pending. No files were closed for lack of response. No previously-certified applicants' certifications lapsed, for the reason that they failed to be sworn in within a year of certification. The principal source jurisdictions continued to be Minnesota and Illinois.

The Board notified one applicant that it intended to deny his admission for the reason that he could not satisfy the reciprocity requirement, and his denial is on appeal to the Court.

Actual Admission

<u>Type of Admission</u>	<u>Year of Admission</u>					<u>Change Since 2002</u>
	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	
Admission by Examination	221	183	224	234	205	(-12.4%)
Admission on Reciprocity	117	97	80	76	87	(+14.5%)
Admission by Diploma Privilege	<u>418</u>	<u>356</u>	<u>441</u>	<u>463</u>	<u>430</u>	<u>(-7.1%)</u>
TOTAL	<u>756</u>	<u>636</u>	<u>745</u>	<u>773</u>	<u>722</u>	<u>(-6.6%)</u>

Denial of admission

The Board denies admission to the practice of law in Wisconsin by first notifying the applicant by letter that it intends to deny their admissions, giving reasons therefore, and it provides a copy of the materials upon which the Board had based its decision. The applicant is provided a period in which to respond and, if desired, to request a hearing. A hearing shall be granted, according to Supreme Court rule, only upon a showing that there are facts bearing on the applicant's case that cannot be presented in writing. After receipt of the applicant's response and/or after hearing, the Board may then either clear the applicant or may issue Findings and Conclusions formally denying admission.

Two appeals of denials in 2002 were decided in 2003. One was affirmed, one was reversed and that applicant cleared and admitted.

The Board issued letters indicating its intention to deny admission to 9 applicants in 2003. Hearings were granted in 3 cases, two of which are pending. The Board, as detailed above, cleared 3 applicants and issued Findings and Conclusions denying admission to 6 applicants in 2003, 2 of whom elected to appeal their denial. Both appeals were pending as of the end of 2003.

Respectfully submitted,

Gene R. Rankin, Director
Board of Bar Examiners

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